

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

GRANT BARFUSS, on behalf of himself and all
others similarly situated,
Plaintiffs

v.

DGSE COMPANIES, INC.; L.S. SMITH, JOHN
BENSON, AND WILLIAM OYSTER,
Defendants

No. 12 Civ. 3664 (JJB)
ECF Case

**NOTICE OF MOTION AND MOTION OF: (1) LEAD PLAINTIFF FOR FINAL
APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT AND
(2) PLAN OF ALLOCATION OF SETTLEMENT PROCEEDS; AND
(3) LEAD COUNSEL FOR AN AWARD OF ATTORNEYS'
FEES AND REIMBURSEMENT OF EXPENSES**

KIRBY McINERNEY LLP

Ira M. Press
New York Attorney Registration No. 2319481
ipress@kmlp.com (*admitted pro hac vice*)
Beverly T. Mirza
California Attorney Registration No. 237240
bmirza@kmlp.com (not admitted in N.D. Tex.)
Thomas W. Elrod
New York Attorney Registration No. 4778916
telrod@kmlp.com (not admitted in N.D. Tex.)
825 Third Avenue, 16th Floor
New York, NY 10022
Telephone: (212) 371-6600
Facsimile: (212) 751-2540

Lead Counsel for Lead Plaintiff and class

**GRUBER HURST JOHANSEN HAIL SHANK
LLP**

Mark A. Shank
Texas State Bar No. 18090800
mshank@ghjhlaw.com
Greg P. McAllister
Texas State Bar No. 24071191
gmcallister@ghjhlaw.com
1445 Ross Avenue
Suite 2500
Dallas, TX 75202
Telephone: (214) 855-6800
Facsimile: (214) 855-6808

Liaison Counsel for Lead Plaintiff and class

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

Pursuant to Rule 23 of the Federal Rules of Civil Procedure and the Court's July 8, 2013 Order (ECF No. 49), Court-appointed Lead Plaintiff Hillel Hyman ("Lead Plaintiff") will and hereby does move this Court on October 21, 2013, at 2:00 p.m. at the United States Courthouse, 1100 Commerce Street, Dallas, Texas, for an order: (1) granting final approval of the proposed class action settlement, (2) approving the plan of allocation of settlement proceeds; and (3) approving Lead Counsel's motion for an award of attorneys' fees and reimbursement of expenses.

The following documents are being submitted to the Court in support of Lead Plaintiff's motion: 1) Memorandum of Law in Support Motion for Final Approval of Class Action Settlement and Plan of Allocation; 2) Memorandum of Law in Support of Motion for Award of Attorneys' Fees and Reimbursement of Expenses; 3) Declaration of Ira M. Press in Support of (i) Lead Plaintiffs' Motion for Final Approval of Proposed Class Action Settlement and Plan of Allocation of Settlement Proceeds; and (ii) Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Expenses; and 4) Appendix to the Memorandum of Law in Support of Motion for Final Approval of Class Action Settlement and Plan of Allocation; and Memorandum of Law in Support of Motion for Award of Attorneys' Fees and Reimbursement of Expenses.

A Proposed Judgment Approving Class Action Settlement ("Judgment") was submitted with Lead Plaintiff's Motion for (I) Preliminary Approval of Settlement; (II) Preliminary Certification of the Settlement Class; (III) Approval of Form and Manner of Notice; and (IV) Appointment of Settlement Administrator (ECF No. 48-5). The proposed Order granting Lead Counsel's Motion for Award of Attorneys' Fees and Reimbursement of Expenses and Approving

Plan of Distribution is being concurrently submitted to the Court via email pursuant to the Court's individual rules of practice.

DATED: New York, New York
September 16, 2013

Respectfully Submitted,

KIRBY McINERNEY LLP

By: /s/ Ira M. Press
Ira M. Press, Esq. (*admitted pro hac vice*)
New York Attorney Registration No.
2319481
ipress@kmlp.com (*admitted pro hac vice*)
Beverly T. Mirza, Esq.
California Attorney Registration No.
237240
bmirza@kmlp.com (not admitted in N.D.
Tex.)
Thomas W. Elrod, Esq.
New York Attorney Registration No.
4778916
telrod@kmlp.com (not admitted in N.D.
Tex.)
825 Third Avenue
New York, New York 10022
Telephone: (212) 371-6600
Facsimile: (212) 751-2540

Counsel for Lead Plaintiff and the Class

**GRUBER HURST JOHANSEN HAIL &
SHANK LLP**

Mark A. Shank
Texas State Bar No. 18090800
mshank@ghjhlaw.com
Greg P. McAllister
Texas State Bar No. 24071191
gmcallister@ghjhlaw.com
1445 Ross Ave
Suite 2500
Dallas, TX 75202-2711
Telephone: (214) 855-6800
Facsimile: (214) 855-6808

Liaison Counsel for Lead Plaintiff and the Class

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system that will electronically send notification of such filing to all counsel of record.

Executed on September 16, 2013 in New York, New York.

/s/ Ira M. Press
Ira M. Press, Esq.